



STATE OF NEW YORK : COUNTY OF TOMPKINS
CITY COURT : CITY OF ITHACA

ATTORNEY'S
COPY

THE PEOPLE OF THE STATE OF NEW YORK
-VS-

ACCUSATORY
INSTRUMENT

Defendant: Goldstein, Kyle M DOB
Address: 702 Hudson Street Ithaca, NY 14850

ACCUSATION

Be it known that, by this Accusatory Instrument,	PO Jacob V Allard 152
as the Complainant herein, accuses	Kyle M Goldstein
the above named defendant with having committed the offense of	
Obstructing Governmental Administration in the Second Degree	
in violation of Section 195.05 of the Penal Law of the State of New York, a Class A Misdemeanor.	

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ITHACA CITY COURT
2016 NOV 28 AM 9:28

FACTS

On or about the 17 day of November, 2016, at about 23:45 hrs.

While located at 702 Hudson Street, Ithaca, NY 14850 a person is guilty of Obstructing Governmental Administration in the Second Degree when he intentionally obstructs, impairs or perverts the administration of law or other governmental function or prevents or attempts to prevent a public servant from performing an official function, by means of intimidation, physical force or interference, or by means of any independently unlawful act, or by means of interfering, whether or not physical force is involved.

To Wit: At the aforesaid date, time, and location the defendant did: intentionally obstruct and prevent your deponent, a uniformed Ithaca Police Officer Allard, from performing the official function of arresting the defendant for a local law violation concerning the large, loud, out of control party he was responsible for, by physically pulling away from both your deponent and another uniformed Ithaca Police Officer Bechtold, after he was ordered numerous times to cease pulling away as he was being held responsible for said party and was going to be cited for the same. The defendant's actions caused Officers to have to stop clearing out the party to place the defendant into custody for his physical aforesaid non-compliance.

All Contrary to the provisions of the statute in such case made and provided.

The above allegations of fact are made by the complainant herein:

- ☒ Upon direct knowledge
☒ Upon information and belief, with the sources of the Complainant's information and the grounds for his belief being: personal investigation and admissions made by the defendant and documented in the attached 710.30 notice.

☐ Wherefore the Complainant prays that a warrant be issued for the arrest of the said defendant.

PO Jacob V Allard
PO Jacob V Allard 152 Complainant

NOTICE

(Penal Law, Section 210.45)

It is a crime, punishable as a Class A misdemeanor under the laws of the State of New York, for a person, in and by a written instrument, to knowingly make a false statement, or to make a statement which such person does not believe to be true.

Affirmed under penalty of perjury this 19 day of November, 2016.

Exhibit 3

PO Jacob V Allard

11/28/17



2016-92840



STATE OF NEW YORK : COUNTY OF TOMPKINS
CITY COURT : CITY OF ITHACA

THE PEOPLE OF THE STATE OF NEW YORK
-VS-

ACCUSATORY
INSTRUMENT

Defendant: Goldstein, Kyle M DOB
Address: 702 Hudson St. Ithaca, NY 14850

ACCUSATION

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Be it known that, by this Accusatory Instrument,	PO Jacob V. Allard 152
as the Complainant herein, accuses	Kyle M Goldstein
the above named defendant with having committed the offense of	
Resisting Arrest	
in violation of Section 205.30, of the Penal Law of the State of New York, a Class A Misdemeanor.	

FACTS

On or about the 17 day of November, 2016 , at about 23:45 hrs

While located at 702 Hudson St. Ithaca, NY 14850 a person is guilty of Resisting Arrest when he intentionally prevents or attempts to prevent a police officer or peace officer from effecting an authorized arrest of himself or another person.

To Wit: At the aforesaid date, time, and location the defendant did: intentionally prevent your deponent, a uniformed Ithaca Police Officer, from effecting an authorized arrest of the defendant for Obstruction of Governmental Administration, by physically pulling his arms away from Officers, and once handcuffed, continued to pull away, engage others to attempt to interfere with said arrest, and had to be taken to the ground. Once on the ground, others were attempting to interfere and the defendant pulled away from Officer, freeing his upper torso and head and was attempting to place his head near your deponent's groin area appearing to either be attempting to bite/headbutt your deponent, all in an effort to resist his lawful arrest.

All Contrary to the provisions of the statute in such case made and provided.

The above allegations of fact are made by the complainant herein:

- ☒ Upon direct knowledge
☒ Upon information and belief, with the sources of the Complainant's information and the grounds for his belief being: the attached 710.30 concerning the defendant's statements of threatening Officer during arrest.

☐ Wherefore the Complainant prays that a warrant be issued for the arrest of the said defendant.

[Signature]
PO Jacob V. Allard 152 Complainant

NOTICE

(Penal Law, Section 210.45)

It is a crime, punishable as a Class A misdemeanor under the laws of the State of New York, for a person, in and by a written instrument, to knowingly make a false statement, or to make a statement which such person does not believe to be true.

Affirmed under penalty of perjury this 19 day of November, 2016.

[Signature]

MC#11

ITHACA POLICE DEPARTMENT APPEARANCE TICKET & ACCUSATORY INSTRUMENT
THE PEOPLE OF THE STATE OF NEW YORK

CR# 116-21473

vs.

NAME: KYLE M. GOLDSTEIN DOB: _____ PHONE: _____
 LOCAL ADDRESS: 702 HUDSON ST CITY: Ithaca ST: NY ZIP: 14850
 HOME ADDRESS: 2 Iron Ore Hill N. CITY: Bridgewater ST: CT ZIP: 06752
 SEX: M RACE: W SS#: NOT KNOWN HGT: 5'10" WGT: 145 HAIR: Brown EYES: Blue
 S/M/T: _____ ☐ CU ☒ IC

The undersigned accuses the defendant of the following: on or about the 17th day of November 20 16, at approximately 2330, the defendant did in the City of Ithaca, County of Tompkins, State of New York:

☐ NOISE (AMPLIFIED); ICC 240-6 (Violation); at _____, it shall be unlawful for any person to operate any machine or device for the production of sound or any other sound-amplifying equipment in a loud, annoying, or offensive manner such that noise from the device interferes with the comfort, repose, health or safety of members of the public within any building or outside of a building, or recklessly create the risk thereof, at a distance of twenty-five feet or more from the source of the sound. To Wit: The defendant did allow amplified music to be played at a volume which could be heard from approximately _____ feet away. Said noise did recklessly create the risk of interfering with the comfort of the public.

☒ NOISE (SOCIAL); ICC 240-7A (Violation); at 702 Hudson St, it shall be unlawful for any person in charge of a party or other social event to allow that party to produce noise in a loud, annoying, or offensive manner such that noise from the party interferes with the comfort, repose, health or safety of members of the public within any building or outside of a building, or recklessly create the risk thereof, at a distance of twenty-five feet or more from the source of the sound. To Wit: The defendant did as a person in charge of a social event of approximately 125 people, cause to be heard noise consisting of music and voices which could be heard from approximately 75 feet away. Said noise did recklessly create the risk of interfering with the comfort of the public.

Noise Contributing Factors

☒ Civilian complaint. ☒ More than one defendant. ☐ Violation of ABC 65-C. ☒ More than 25 guests, approx 125.
☒ Amplified sound directed outside. ☐ The offense was after 12:00 AM on a weekday or 1:00 AM on a weekend. ☒ Live entertainment.
☐ Common source of alcohol. ☐ Charge to enter or to consume alcohol. ☐ A violation of ICC 250.8. ☐ More than one complaint.

☐ OPEN CONTAINER; ICC 128-4A (Violation); at _____, when within or upon any public place a person possesses an alcoholic beverage in any open container with the intent of the possessor or any other person to consume such beverage. To Wit: The defendant did possess an open container of _____.
 Defendant was on a city _____ at the time of possession.

☐ UNDERAGE POSSESSION OF ALCOHOL; ABC 65-C (Violation); at _____, with intent to consume such beverage, and when such possession of a beverage was not in relation to a curriculum licensed or registered by the state department of education and was not a result of having been given said alcohol by his/her parent. To Wit: The defendant was _____ years of age, and did possess _____.

☐ LITTERING; ICC 331-4 (Violation); at _____; no person shall throw, cast, drop, put or place or having accidentally dropped fail to pick up any litter in or upon any public or private park or outdoor place, except in receptacles provided for such purposes. To Wit: The defendant did _____, abandoning said item and making no effort to recover said litter and properly dispose of.

☐ DISORDERLY CONDUCT; PL 240.20-6 (Violation); at _____, when with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, she/he congregates with other persons in a public place and refuses to comply with a lawful order of the police to disperse. To Wit: The defendant did _____.

☐ NOTICE OF INTENT TO USE ADMISSIONS (NYSCP: 710.30-1a) - Made to Complainant: _____

The above allegations of fact are made by the Complainant herein: ☒ upon direct knowledge ☐ Admissions by the defendant

YOU ARE ORDERED TO APPEAR PERSONALLY IN THE ITHACA CITY COURT, 118 EAST CLINTON STREET, ITHACA, NY ON THE 30th DAY OF November, 20 16 AT 9:00 AM TO ANSWER THE CHARGE(S) STATED ABOVE.

If you fail to appear as directed above, a warrant may be issued for your arrest. For more information on how to proceed with this



Case # 116-21473

Ithaca Police Department
Notice of Intent to Use Defendant's Statements
NYS CPL 710.30-1a

Defendant Info

Defendant Name: Kyle M Goldstein

Defendant Date of Birth:

Oral Statements

Date/Time: 11/17/2016 approximately 23:45 hrs

Location: 702 Hudson Street Ithaca, NY

Made by: Defendant

Made to: PO Jacob V. Allard 152

Miranda?: ☐ Yes ☒ No

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Sum and substance of Oral/Written Admissions: Defendant initially stated he was a resident, then attempted to flee and was asked again, at which time he stated he was not and Officer's could not detain him. Once under arrest and at patrol car, defendant again stated he was a resident when asked for his address. Defendant also stated he wanted to injure Officer while placing his head and upper torso near the Officer's groin area.

NOTICE

(Penal Law, Section 210.45)

It is a crime, punishable as a Class A misdemeanor under the laws of the State of New York, for a person, in and by a written instrument, to knowingly make a false statement, or to make a statement which such person does not believe to be true.

Officer: *[Signature]*

Staff: *Matthew L. Coven #17*